

FOREST PRACTICES

Forestry Pollution Control Strategies

Under the 1972 Clean Water Act, Congress authorized states to control nonpoint sources of pollution through the implementation of Best Management Practices (BMPs). A BMP is defined as a measure determined to be the most effective and practical means of preventing or reducing pollution inputs from point or nonpoint sources in order to achieve water quality goals. Idaho's forestry BMPs are included in the Idaho Forest Practices Act (FPA), Title 38, Chapter 13 Idaho Code, passed by the legislature in 1974. The Act and associated administrative rules have been updated on several occasions since that time. The FPA is designed to assure the continuous growing and harvesting of forest tree species and to protect and maintain the forest soil, air, water resources, wildlife and aquatic habitat. FPA rules address timber harvesting practices, forest road construction and maintenance, forest tree residual stocking and reforestation, use of chemicals, and the management of slash and the use of prescribed fire.

The Idaho Water Quality Standards and Waste Water Treatment Requirements, Title 39, Chapter 1, Idaho Code, reference the Forest Practices rules as the approved BMPs for silvicultural activities. The Idaho Department of Lands (IDL) is the designated state agency responsible for administering and enforcing the FPA on all forestlands in the state. On federal lands, the FPA must be met or exceeded.

Regulatory Actions

Prior to harvest of timber, a logging operator must notify IDL of planned timber harvest by filing a Certificate of Compliance & Notification of Forest Practice. This Compliance & Notification form lists the legal description of the area to be harvested, the contractor responsible for slash management, operator responsible for FPA compliance, landowner, and log purchasers. Fire hazard and basic forest environmental information on stream class, soil erodibility, and slope gradient are included in the form. IDL has the authority to enter logging operations to inspect for compliance with the fire hazard reduction laws and the FPA. Any time department personnel inspect a logging operation, a report of inspection may be completed that lists satisfactory practices and unsatisfactory rule violations.

When the department determines that an operator has violated any provision of the FPA, it shall be considered a violation and an unsatisfactory report and/or a Notice of Violation (NOV) may be issued. An unsatisfactory report is issued if the violation is minor. If the unsatisfactory items are corrected in a timely manner, no Notice of Violation will be issued. A NOV will be issued for all major infractions, where serious resource damage has occurred or will occur; or when an operator fails to correct previously noted unsatisfactory conditions. The NOV will specify the rule that was violated, any damage or unsatisfactory condition, and required repair or mitigation. If the operator corrects the violation, no further action is taken. If an operator fails to correct the problem the next step would be to issue a Cease and Repair Order and/or a Stop Work Order. At this time

the department can complete the repair and take civil action to recover repair and legal costs. Provisions also exist to deny an operator the ability to obtain new Notifications if an operation is in current violation, or the operator can be required to post a bond if it is determined by the board that the operator is a repeat or habitual violator of the FPA.

Compliance inspections were completed by the IDL Forest Practices Advisor during 2005 for most of the logging operations by the IDL Forest Practices Advisor for compliance with the FPA. The majority of operations were found to be in compliance with the FPA.

As the IDL does not have enough personnel to inspect all logging operations in the state, IDL personnel work cooperatively with the University of Idaho, industry, environmental groups, and other agencies to assist and train private forest landowners and logging operators to assist operators to comply with the FPA.

Provisions are also included within the FPA to address water quality impacts across drainages. In 1991, the FPA was amended to include provisions for minimizing watershed impacts resulting from cumulative effects of multiple forest practices or multiple entries. The Idaho Cumulative Watershed Effects process (CWE) includes assessing erosion hazards, canopy closure, stream temperatures, hydrology, sediment delivery, channel stability, beneficial uses and nutrients. The CWE process provides a broad scale watershed assessment that determines if water quality problems exist and what should be done to mitigate those problems. This is done on a cooperative approach with affected landowners through development of site-specific forest BMPs.

As activities have been refined by BMPs contained in the Forest Practices Act, little sediment is produced by the actual harvest and processing of trees into logs. The major impact of forest management activity on water quality in the drainage results from the construction and use of forest roads. To mitigate road issues the BMPs identified in the FPA provide protection against erosion, sediment delivery and other resource damage.

Monitoring Plan

Forest practices in the Blackfoot watershed may be inspected for compliance with the FPA. If any unsatisfactory conditions are identified, they will be corrected using standard IDL enforcement procedures. The IDL office in Idaho Falls will be the office of record for all Compliance and Notifications and FPA inspection reports in this drainage. In addition to the regular FPA inspection program conducted by IDL, the Forest Practices Water Quality Management Plan calls for a statewide audit of the applications and effectiveness of Idaho Forest Practices Rules. This interagency independent audit is conducted every four years. The 2004 Forest Practice state wide audit found that FPA rules were implemented 99% of the time. The audit also determined that when the FPA rules were properly implemented and maintained, the rules were effective 99% of the time. The audit process is one key component of the feedback loop mechanism used by the Forest Practices Act Advisory Committee and the Idaho State Board of Land Commissioners to evaluate the effectiveness of Idaho forestry BMPs.

Forestry Implementation Plan Funding

Under the FPA, logging operators are responsible for meeting the rules. Therefore, the cost of complying with the FPA is born solely by the operator of forest practices depending on any contractual agreements that may be in existence. At present, private forest landowners are assessed \$.05 per acre for all forestlands and \$.08 per thousand board feet harvested to help fund the IDL administration of the FPA. Since this funding is not totally adequate to support the FPA administrative program, funds for the initiation of additional protection measures beyond the requirements of the FPA are not available. IDL also has authority to expend funds out of the FPA rehabilitative account, but is limited to only those costs associated with the repair of unsatisfactory practices identified in the NOV process. The Natural Resource Conservation Income Tax Credit, Forest Landowners Stewardship Program and grants are other possible sources of limited funding for additional volunteer site-specific forest BMPs.